

## REMARKS

### *Corrected Filing Receipt*

On December 14, 2005, Applicants filed a request for a corrected Filing Receipt with the Office of Initial Patent Examination. However, to date, a corrected Filing Receipt has not been received. Specifically, in the request for a corrected Filing Receipt, Applicants requested that the spelling of one of the inventors' names be corrected from "Johiel" to "Jokiel", and that the 371(c) date appearing on the Filing Receipt of November 21, 2005 be corrected from 06/13/05 to 05/28/05.

With respect to the name of inventor Christian Jokiel, the name appears to have been incorrectly transferred from the declaration into the USPTO database. With respect to the 371(c) date, the date of 6/13/05 is incorrect because 371(c)(1), (c)(2) and (c)(4) requirements were fulfilled on 5/28/05. Specifically, the original declaration executed on 12/2/03 was initially filed on 5/28/05 -- a copy thereof as proof is available in PAIR under the entry "05/28/2005 -- Documents submitted with 371 Applications". A second oath was filed on 6/13/05 which also included a power of attorney. However, for the purpose of 371(c) requirements the first filed oath should have been accepted.

Applicants respectfully request that the Office confirm whether these two corrections have been entered and inform Applicants accordingly.

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed June 28, 2007.

### *Continued Examination under 37 CFR 1.114*

1. Applicants note with appreciation withdrawal of the finality of the previous Office Action pursuant to 37 CFR 1.114 and entry of Applicants' amendment of 5/11/2007.

*Claim Rejections – 35 USC § 112*

**2-3.** The Examiner has rejected Claims 3, 4, and 17 under 35 USC 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner requested clarification (a) whether claim 3 requires that the latch housing and latch cover are one part or whether they are one part each, and how many parts are actually required by scope of the limitation; (b) whether claim 4 requires that the latch housing and latch cover consists of two parts altogether, or that each of the latch housing and the latch cover consists of two parts, or whether each has at least two parts but may include more; and (c) whether claim 17 requires that functions of “electric opening” and “electric closing” can be carried out concurrently, with or without the additional listed functions of claim 16 also being carried out concurrently as set forth by the claim.

Applicants submit that claim 3 requires that the latch housing (3a) and the latch cover (3b) consist of at least one part. This means that the latch housing (3a) and the latch cover (3b) taken together consist of at least one part. Although Applicant believes that this limitation is clear and is not confusing, Applicant has amended claim 3 according to the Examiner’s suggestion solely to expedite the prosecution of all pending claims.

Applicants submit that claim 4 requires that the latch housing (3a) and the latch cover (3b) consist of at least two parts. This means that the latch housing (3a) and the latch cover (3b) taken together consist of at least two parts. Although Applicant believes that this limitation is clear and is not confusing, Applicant has amended claim 3 according to the Examiner’s suggestion solely to expedite the prosecution of all pending claims.

Applicants submit that claim 17 requires that the additional assembly (4) is capable of activating the vehicle door latch (1) to carry out the latch functions concurrently except that the additional assembly (4) is not capable of activating said vehicle door latch (1) to carry out

said electric opening concurrently with said electric closing. Applicant has amended claim 17 accordingly.

In light of Applicants' amendments, withdrawal of rejections under 35 USC 112, second paragraph, is respectfully requested.

***Claim Rejections – 35 USC § 102***

Claims 1, 5, 7, and 14-18 stand rejected under 35 USC 102(e) as being allegedly anticipated by German Patent Application Publication No. DE 100 57 352 A1 to Kiekert ("Kiekert '352").

Applicants respectfully disagree and request reconsideration.

35 USC 102(e) mandates that a person shall be entitled to a patent unless "the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language".

Applicants submit that Kiekert '352 is not an application by another filed in the United States and published under section 122(b). Similarly, Kiekert '352 is not a patent granted on an application for patent by another filed in the United States, and is not an international application. Rather Kiekert '352 is a national patent application that was filed in Germany and published under applicable German laws.

Accordingly, section 102(e) is not applicable in connection with Kiekert '352 and the rejection should be withdrawn.

### ***CONCLUSION***

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited.

Since Applicant has not amended the independent claim pending in the Application, no additional search by the Examiner is believed to be necessary, and the claims may be allowed based on the present record. See MPEP 904 ("The first search should be such that the examiner need not ordinarily make a second search of the prior art, unless necessitated by amendments to the claims by the applicant in the first reply, except to check to determine whether any reference which would appear to be substantially more pertinent than the prior art cited in the first Office action has become available subsequent to the initial prior art search.)

Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

Respectfully Submitted,

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